

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC ALLEN RIES,

Petitioner,

V.

JEFFREY A UTTECHT,

Respondent.

Case No. C19-5720-RBL-TLF

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation [Dkt. # 6], recommending that the Court deny petitioner's federal *habeas corpus* petition without prejudice:

- (1) The Magistrate Judge's report and recommendation is approved and ADOPTED;
 - (2) Petitioner's federal habeas corpus petition (Dkt. 3) is DISMISSED without prejudice for failure to exhaust state court remedies; and
 - (3) A certificate of appealability is DENIED; and
 - (4) The Clerk is directed to close this case and to send copies of this Order to the parties and to Magistrate Judge Theresa L. Fricke.

IT IS SO ORDERED.

Dated this 1st day of November, 2019.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge